

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

TOMAS HAILEMARIAM

Defendant.

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CASE NO. 2:22-cr-00109-MHW

JUDGE MICHAEL H. WATSON

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

Now comes Attorney, Dustin M. Blake, counsel of record for Defendant, Tomas Hailemariam, and hereby moves this Court for leave to withdraw as counsel for the defendant pursuant to the Ohio Rules of Professional Conduct 1.16. Support for this Motion is contained in the Memorandum of Law that follows.

Respectfully submitted,

/s/ Dustin M. Blake

Dustin M. Blake (0080560)

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Attorney for Defendant Tomas Hailemariam

MEMORANDUM OF LAW

The undersigned attorney was initially retained by the Defendant in this matter on June 2, 2022. Recently, as the Court is aware, the Defendant sent a letter to this Honorable Court communicating his desire to discharge the undersigned attorney and to represent himself pro se. Additionally, the Defendant made other baseless allegations against counsel in said letter.

Pursuant to the Ohio Rules of Professional Conduct 1.16(a)(3), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if the lawyer is discharged. Defendant has made clear his desire to discharge the undersigned attorney and to represent himself pro se.

Pursuant to the Ohio Rules of Professional Conduct 1.16(b), a lawyer may withdraw from the representation of a client if any of the following applies:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5) the client fails *substantially* to fulfill an obligation, financial or otherwise, to the lawyer regarding the lawyer's services and has been given *reasonable* warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client;
- (7) the client gives *informed consent* to termination of the representation;
- (9) other good cause for withdrawal exists.

All of the above conditions apply allowing withdraw in this case. Pursuant to the fee agreement, counsel reserved the right to withdraw from representation for failure to pay the

agreed fee. Defendant has failed to abide by the fee agreement. Defendant has failed to pay the fee and Defendant's current legal fees are in excess of the monies paid.

Considering the above, the undersigned attorney is unable to continue to represent Defendant in this matter. As such, the undersigned attorney respectfully requests this Court issue an order granting him leave to withdraw as the Defendant's attorney.

Respectfully submitted,

/s/ Dustin M. Blake

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Attorney for Defendant Tomas Hailemariam

CERTIFICATE OF SERVICE

I hereby certify that this Motion was submitted for electronic filing on November 14, 2024 and has been served on all counsel of record. A copy of this motion has been sent to the Defendant via ordinary mail.

/s/ Dustin M. Blake

Dustin M. Blake (0080560)